

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 cr 13-9**

UNITED STATES OF AMERICA

Vs.

YVONNE MARIE FOUNTAIN.

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ORDER

THIS CAUSE coming on to be heard upon the Motion (#189) of Jack W. Stewart for permission to withdraw as attorney for the defendant in this matter. At the call of this matter on for hearing, the defendant was present with Mr. Stewart. The court made inquiry of Mr. Stewart regarding the Motion to Withdraw. Mr. Stewart advised the court that on April 16, 2009 he had received a letter from the defendant discharging him from his representation of the defendant. Mr. Stewart had been retained by the defendant's family to represent her in this case. This court had previously considered a request by the defendant to be considered for court appointed counsel and had in fact appointed counsel for the defendant. On March 3, 2009 appointed counsel, that being Fredilyn Sison, filed a motion to withdraw as counsel of record for the defendant stating that Mr. Stewart was representing the defendant. An examination of the file showed that on March 3, 2009 Mr. Stewart had filed a Notice of Appearance (#114) advising that he was representing the defendant in this case. Mr. Stewart stated he attempted to discuss the letter of the defendant with her

on April 18, 2009. At that time, the defendant refused to discuss her case or the circumstances with him. The defendant did advise Mr. Stewart that her family had already retained another attorney to appear on behalf of the defendant and the defendant had directed that Mr. Stewart withdraw from any further representation of her in this case.

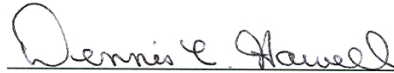
The undersigned made inquiry of the defendant as to the name and address of the attorney whom the defendant now contended represented her. The defendant could not provide the name or address of this attorney. The defendant stated to the undersigned her sister and family had retained another attorney and he was to come and speak to her on the date of the hearing of this matter, that being May 1, 2009. No attorney had made any appearance up to that date or filed any notice on behalf of the defendant. The undersigned advised the defendant that this court was going to allow the motion of Mr. Stewart and it appeared the defendant had discharged Mr. Stewart and the defendant was to immediately advise her new attorney he was to file an immediate notice of appearance on behalf of the defendant.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Withdraw (#189) filed by Jack W. Stewart is hereby **ALLOWED**. The defendant is **ORDERED** to advise

her new counsel to immediately file a notice of appearance certifying his appearance on behalf of the defendant in this case.

Signed: May 12, 2009



Dennis L. Howell
United States Magistrate Judge

